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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID AND NATASHA WIT, et al.,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,

Defendant.

GARY ALEXANDER, et al.,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,

Defendant.

Case No. 3:14-CV-02346-JCS
Related Case No. 3:14-CV-05337-JCS

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING SCHEDULE FOR
JOINT SUBMISSION REQUESTED IN
AUGUST 5, 2025 ORDER**

1 Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, the Court's August 5, 2025 Order (ECF
2 No. 669), and the Court's October 16, 2025 electronic order (ECF No. 677), the parties in the above-
3 captioned consolidated actions, by and through their respective counsel of record, hereby stipulate
4 as follows:

5 WHEREAS, on August 5, 2025, the Court issued an Order (ECF No. 669) regarding the
6 Plaintiffs' breach of fiduciary duty claim and the extent to which it survived the Ninth Circuit's
7 decision in *Wit v. United Behav. Health*, 79 F.4th 1068 (9th Cir. 2023) ("*Wit III*");

8 WHEREAS, the Court held that Plaintiffs' breach of fiduciary duty claim survives *Wit III*
9 to the extent that it is based on breaches of the duties of loyalty and care (ECF No. 669 at 56);

10 WHEREAS, the Court further held that judgment must be entered in favor of UBH on the
11 breach of fiduciary duty claim to the extent that claim is based on breach of the duty to adhere to
12 plan terms, *id.*;

13 WHEREAS, the Court thus ordered the parties to meet and confer and submit, no later than
14 September 12, 2025, joint or separate proposals addressing next steps in this case and whether any
15 injunctive or declaratory relief previously awarded by the Court that has not already been reversed
16 by the Panel requires modification in light of the Court's August 5, 2025 Order, *id.* at 56-57;

17 WHEREAS, the Court previously continued the Parties' deadline to submit their joint
18 submission to the Court three times (ECF Nos. 672, 675, 677);

19 WHEREAS, on October 15, 2025, the parties filed a joint status report addressing next steps
20 in the case and setting forth proposed modifications to the previously-entered Remedies Order on
21 which the parties agree (ECF No. 676);

22 WHEREAS, Plaintiffs and UBH have met and conferred about their respective positions on
23 appropriate modifications to the Remedies Order in light of the Court's August 5, 2025 Order and
24 have exchanged multiple drafts of proposed amendments and the joint submission requested by the
25 Court, including the parties' respective position statements;

26 WHEREAS, despite their best efforts, the parties have not been able to finalize a joint
27 submission containing both sides' positions on the issues in dispute;

28

1 WHEREAS, the parties agree that, consistent with the Court's Augst 5, 2025 Order, the
 2 most efficient way for the parties to present their respective positions on the disputed issues is
 3 through simultaneous filing of separate proposals;

4 WHEREAS, the Parties respectfully request that the Court continue the Parties' deadline to
 5 submit their proposals to the Court from the current deadline of October 21, 2025 to 5:00 pm PST
 6 on October 23, 2025;

7 **IT IS HEREBY STIPULATED AND AGREED** that, subject to the approval of the Court,
 8 the parties shall simultaneously file separate submissions addressing whether any injunctive or
 9 declaratory relief previously awarded by the Court that has not already been reversed by the Panel
 10 requires modification in light of the Court's August 5, 2025 Order, and that the parties' deadline
 11 for submitting their separate proposals is hereby continued from the current deadline of October
 12 21, 2025 to **October 23, 2025 at 5:00 pm PST.**

13 Dated: October 21, 2025

ZUCKERMAN SPAEDER LLP

14 /s/ Caroline E. Reynolds
 15 Caroline E. Reynolds
 16 Jason S. Cowart
 17 Joshua Mathew

THE HUFFORD LAW FIRM PLLC

18 D. Brian Hufford

PSYCH-APPEAL, INC.

19 Meiram Bendat

20 *Attorneys for Plaintiffs and the Classes*

21 Dated: October 21, 2025

CROWELL & MORING LLP

22 /s/ Andrew Holmer
 23 Jennifer S. Romano
 24 Andrew Holmer
 25 Nicholas Dowd

26 *Attorneys for Defendant United Behavioral Health*

ATTESTATION


Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: October 21, 2025

/s/ Caroline E. Reynolds
Caroline E. Reynolds

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: October 22, 2025


The Honorable Joseph C. Spero
United States Magistrate Judge